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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,085	07/17/2003	Tomoyuki Furutono	FUJH 20.518 (100794-00458)	1851
26304	7590	11/13/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			WANG, LIANG CHE A	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/622,085	Applicant(s) FURUTONO ET AL.	
	Examiner Liang-che Alex Wang	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-11 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Referring to claims 1 and 11, recites “input section for inputting a network resource required for a network service, **which is provided through the communication network system** in the form of real entity in a service equivalent to said network service being provided **without using the communication network system**”. The limitation indicates the network service is provided **through the communication network system without using the communication network system**, which renders the claim vague and indefinite where “the network service is provided **through the communication network system**” contradicts “**without using the communication network system**”.
5. All dependent claims are rejected to as having the same deficiencies as the claims they depend from.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Chandrashekhar et al., US Publication Number 2003/0140131A1, hereinafter Chandrashekhar.
8. Referring to claim 1, Chandrashekhar teaches a network management equipment (figure 2) creating policy data (, instruct policy server to activate VPN changes) to be set to a configuration element (policy server 240 instructs EMS 250 of parameter changes on NE 260) in a communication network system (network 200), comprising;
- a. an input section (customer network management 210 presents user interface to administrator and end users; figures 5, 7, 12 and 13; page 5 [0073], page 6 [0074], [0082], page 7 [0083]) for inputting a network resource required for a network service (figures 5, 7, 12 and 13), which is provided through the communication network system in the form of real entity in a service equivalent to said network service (page 2 [0028] lines 17-23, administrator generates services and end user selects desired service; page 6 [0081-0083], administrator sets quality of service associating with bandwidth and name the setting in the form of real entity as shown in figure 13); and

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- b. a conversion section (inventory 230) for converting to the network resource the real entity input from the input section, and creating policy data based on said network resource (page 2 [0032] CNM retrieves bandwidth from inventory, page 6 [0081-0083] bandwidth is associating with a real entity name as shown in figure 13).
9. Referring to claim 2, Chandrashekhar teaches the network management equipment according to claim 1, wherein the network service is content distribution service (page 8 [0098] [0102], dog fight, flight simulator, corporate conferencing applications), the network resource is a bandwidth required for distributing the content (page 8 [0098], lines 9-15, the price reflects a rate associated with QOS, page 6 [0081], bandwidth is part of QOS), the real entity is a seat (Desert Storm, Officers) in a venue (War, Conference) when the content is directly viewed in said venue (location of war, position of conference), and a rank or said seat corresponds to a bandwidth size (figures 12 and 13, page 8 [0098], lines 9-15).
10. Referring to claim 3, Chandrashekhar teaches the network management equipment according to claim 2, wherein the conversion section retains path information (routing and tunneling parameters) between a distribution source of the content distribution service and a user (figure 3) receiving the content distribution service (page 2 [0032]), or receives said path information from outside equipment, and creates the policy data based on the path information and the bandwidth (page 2 [0032], figure 2).
11. Referring to claim 4, Chandrashekhar teaches the network management equipment according to claim 1, wherein the input section includes a first input section from which a

service provider registers the network service (figure 7, page 6 [0081]), and a second input section from which a user receiving the network service issues a request for subscribing the service (figures 12 and 13).

12. Referring to claim 5, Chandrashekhar teaches the network management equipment according to claim 4, wherein the first input section is so constituted that the service provider can input and register a bandwidth type required for distributing the content in the form of real entity of a seat rank in a venue when the network service is content distribution service (figure 7 page 6 [0081]).
13. Referring to claim 6, Chandrashekhar teaches the network management equipment according to claim 4, wherein the second input section is so constituted that the user receiving the service can input a bandwidth for receiving the content in the form of real entity of a seat rank in the venue when the network service is content distribution service (figure 12 and 13, page 8 [0098] [0102]).
14. Referring to claim 7, Chandrashekhar teaches the network management equipment according to claim 5, wherein the second input section is so constituted that the user receiving the service can input a bandwidth for receiving the content in the form of real entity of a seat rank in the venue when the network service is content distribution service (figure 12 and 13, page 8 [0098] [0102]).
15. Referring to claim 8, Chandrashekhar teaches the network management equipment according to claim 1, further comprising: an input modification section capable of modifying, in the form of real entity, the network resource having been input from the

input section, when modification of said network resource having been input becomes necessary (page 6 [0080]).

16. Referring to claim 9, Chandrashekhar teaches the network management equipment according to claim 1, further comprising: a transmission section (CNM 210 instruct policy server to activate VPN changes) which transmits the policy data created by the conversion section to a policy server (page 2 [0034] CNM sends policy to policy server 240, which control the implementation information from conversion section 230).
17. Referring to claim 10, Chandrashekhar teaches the network management equipment according to claim 1, further comprising: a setting section (policy server 240) which sets the policy data created by the conversion section to the configuration element of the communication network system (page 4 [0052]).
18. Referring to claim 11, Chandrashekhar teaches the network management method for creating policy data to be set to a configuration element in a communication network system, comprising:
 - a. providing a service provider and a user receiving a network service with man-machine interface for inputting a network resource for a network service (customer network management 210 presents user interface to administrator and end users; figures 5, 7, 12 and 13; page 5 [0073], page 6 [0074], [0082], page 7 [0083]; page 6 [0081] ISP provided the service), which is provided through the communication network system in the form of real entity in a service equivalent to said network service being provided (page 2 [0028] lines 17-23, administrator generates services and end user selects desired service; page 6 [0081-0083],

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- administrator sets quality of service associating with bandwidth and name the setting in the form of real entity as shown in figure 13);
- b. converting the real entity input through the man-machine interface to the network resource (page 2 [0032] CNM retrieves bandwidth from inventory, page 6 [0081-0083] bandwidth is associating with a real entity name as shown in figure 13); and
 - c. creating policy data for use in a policy server based on the network resource (policy server 240, figure 2, page 2 [0032-0034]).

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang 
October 17, 2006


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER